IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1181 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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NITINKUMAR CHINUBHAI SHAH

Versus

NILIMA KRISHNAKANT SHAH

Appearance:

1. Civil Revision Application No. 1181 of 1998

Mr.Pandya for

MR SN SOPARKAR for Petitioner No. 1

MR JR SHAH for Respondent No. 1

MR RAJESH B DESAI for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 10/05/2002

ORAL JUDGEMENT

By consent this Civil Revision Application is restored.

Heard Mr. Pandya for the petitioner - original opponent. The challenge is in respect of the order passed by the learned Judge on Review Application filed by the petitioner requesting for reviewing the order passed earlier by the court below Application Exh.32 dated 30.10.96, wherein the application for review was moved on the ground that certain documents were not considered as at the relevant time when the application was decided, those documents were before the lawyer and further the learned Judge has passed interim order of maintenance considering the averments made in the main petition and no opportunity was given to the petitioner.

Without expressing anything on the contentions raised before me and the fact that the main petition is pending, which is of year 1995 and as the order under challenge is in respect of the interim maintenance granted in favour of the wife, this court is not inclined to hold that the learned Judge has committed any error while rejecting the Review Application filed by the petitioner. As the main petition is pending, which is of the year 1995, the same is ordered to be expedited wherein the parties have to lead evidence and even produce documents and the court shall be required to consider the said evidence in accordance with law. Accordingly this Revision Application is disposed of. Rule is discharged. No order as to costs.

(D.K.Trivedi,J)